

IN THE UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 3:06-CR-136
) (PHILLIPS/SHIRLEY)
JAMES O'DELL,)
)
Defendant.)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the district court as may be appropriate. This criminal action is before the Court on the government's Motion to Correct. [Doc. 184] On March 13, 2008, the parties came before the Court for a hearing on the instant motion, as well as for arraignment on the Second Superseding Indictment. Assistant United States Attorney David Lewen appeared on behalf of the government, and Attorney Jonathan Wood appeared on behalf of defendant O'Dell, who was also present.

The government moves the Court to allow the government to file a corrected copy of the Second Superseding Indictment [Doc. 184] filed on March 4, 2008. During the hearing, the government stated that the copy of the Second Superseding Indictment filed with the Clerk of the Court contains a typographical error, an error that was not contained in the copy of the Second Superseding Indictment approved by the Grand Jury. Specifically, the government stated that the filed copy incorrectly identifies the alleged conspiracy as running from 2002 to 2003, when it should have stated 2002 to 2004. During the hearing, defense counsel stated that, because the government's motion seeks to bring the version of the Second Superseding Indictment filed with the Court into

agreement with the Second Superseding Indictment approved by the Grand Jury, the defendant has no opposition to the instant motion.

Accordingly, for good cause shown, the government's motion [Doc. 185] is hereby **GRANTED**. The Clerk of the Court is directed to **STRIKE** from the record the incorrect copy of the Second Superseding Indictment. [Doc. 184] Additionally, the government is **DIRECTED** to file the correct copy of the Second Superseding Indictment with the Clerk. Additionally, the Court notes for the record that the defendant did receive a copy of, and was arraigned on, the correct version of the Second Superseding Indictment.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge